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8
9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA
11

12 THE UNITED STATES OF AMERICA,
13 Plaintiff,

14 v.

15 ORR WATER DITCH COMPANY, et
16 al.,
17 Defendants.

IN EQUITY

Case No. 3:73-CV-00003-MMD

18 **ORDER APPROVING WATER MASTER'S BUDGET FOR 2022-**
19 **2023; CREATING AN ASSESSMENT TO REPLENISH THE FUND**
20 **HERETOFORE ESTABLISHED TO PAY THE EXPENSE OF**
21 **CONDUCTING THE WATER MASTER'S OFFICE; CREATING A**
22 **SPECIAL ASSESSMENT TO CONTINUE THE FUND**
23 **HERETOFORE ESTABLISHED TO PAY THE EXPENSE OF**
24 **SPECIAL ADMINISTRATION OF STEAMBOAT AND UPPER**
25 **STEAMBOAT, GALENA, AND WASHOE CREEKS, AND THE**
26 **WASHOE LAKE RESERVOIR; APPORTIONING THE COSTS**
27 **THEREOF AND PROVIDING THE MANNER AND METHOD FOR**
28 **COLLECTION THEREOF; CONTINUING OPERATION OF**
PROSSER AND STAMPEDE RESERVOIRS; AND APPROVING
THE WATER MASTER'S ADMINISTRATION OF THE DECREE
FOR 2021-2022.

26 **BE IT REMEMBERED** that the petition of CHAD BLANCHARD, Water Master
27 appointed herein to administer the Final Decree entered on September 8, 1944, asking that an
28 assessment be created to replenish the fund heretofore established to pay the expenses of conducting

the office of the Water Master, and a special assessment be created to replenish the fund heretofore established to pay the expense of his special administration of Steamboat or Galena Creek, Washoe Creek or Upper Steamboat Creek, and the Washoe Lake Reservoir, and approving the Water Master's administration of the Decree for 2021-2022, directing the filing of an audit for the fiscal year ending September 30, 2023 with the court by February 15, 2024, and for such other action as might seem meet and proper in the premises, filed with the Clerk of this Court, having come on for hearing this date pursuant to proper notice, and all parties having the opportunity to be heard on objections filed, and good cause appearing,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the estimated general budget for the period from October 1, 2022 to September 30, 2023, submitted by the Water Master as part of his petition as Exhibit "A", is hereby approved.

2. That in order to provide a means for the payment of further expense of conducting the Office of the Water Master, particularly for the period from October 1, 2022 to September 30, 2023, there is hereby created an assessment in the sum of SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) to replenish the fund heretofore established, and that the same be, and hereby is apportioned to be paid and borne as provided in the Final Decree, to wit:

One-third by the United States of America, one-third by the Truckee Meadows Water Authority, and the remaining one-third by the remaining persons or corporations whose rights are adjudicated by this Decree.

3. That the Truckee-Carson Irrigation District and the Bureau of Indian Affairs of the United States Department of the Interior be, and they hereby are, ordered and directed to pay the Office of the Water Master in this case, as their apportioned one-third assessment, the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00); that NINETY-TWO and ONE-HALF PERCENT (92-1/2%) of said amount, being the sum of ONE HUNDRED AND EIGHTY-FIVE THOUSAND DOLLARS (\$185,000.00), is to be borne by the Truckee-Carson Irrigation District for Newlands project lands, and SEVEN and ONE-HALF PERCENT (7-1/2%) of said amount, being the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00), is to be borne by the Bureau of Indian Affairs of the United States Department of the Interior for Pyramid Indian lands, such assessment to be paid on or before April 30, 2023.

1 4. That defendant, Truckee Meadows Water Authority, be, and it is hereby ordered and
2 directed to pay the Office of the Water Master in this case, as its apportioned one-third of the
3 assessments, the sum of TWO HUNDRED THOUSAND DOLLARS (\$200,000.00), the assessment
4 to be paid on or before April 30, 2023.

5 5. That the "remaining persons or corporations whose rights are adjudicated by this
6 Decree, or their successors in interest", be, and they hereby are, ordered and directed to pay as their
7 apportioned one-third of the assessment, the total sum of TWO HUNDRED THOUSAND
8 DOLLARS (\$200,000.00), payable as more specifically hereinafter set forth.

9 6. The Water Master is granted authority to secure the assistance of the Washoe County
10 Water Conservation District and the Washoe County Conservation District is granted authority to
11 levy and collect pro-rata assessments from the remaining persons or corporations whose rights were
12 adjudicated by this Decree and whose lands are within the boundaries of the Washoe County Water
13 Conservation District in the amount of SIXTY-FIVE PERCENT (65%) of their apportioned one-
14 third shares of the total assessments provided for in this Decree, being the sum of ONE HUNDRED
15 THIRTY THOUSAND DOLLARS (\$130,000.00); that Washoe County Water Conservation
16 District be, and it hereby is, directed to allocate said sum among its members as aforesaid, according
17 to a schedule of charges based upon acreage, including minimum charges applicable to fractional
18 acreage, which schedule shall be subject to the approval of the Water Master, and that the Washoe
19 County Water Conservation District shall pay the aforesaid sums collected by such District for the
20 Water Master on or before April 30, 2023;

21 7. That the remaining persons or corporations whose rights were adjudicated by this
22 Decree and whose lands are outside of the boundaries of the Washoe County Water Conservation
23 District be, and hereby are, ordered and directed to pay THIRTY-FIVE PERCENT (35%) of their
24 apportioned one-third share of the total assessments provided for in this Decree, being the sum of
25 SEVENTY THOUSAND DOLLARS (\$70,000.00).

26 8. The Water Master, CHAD BLANCHARD, be, and hereby is, directed to collect such
27 sums as aforesaid according to a schedule of charges, which charges shall be paid to the Water
28 Master on or before April 30, 2023, as follows: The minimum assessment of TWENTY THREE

1 DOLLARS AND SIXTY CENTS (\$23.60) against those parties owning fifty (50) acre-feet or less;
2 against those parties owning more than fifty (50) acre-feet, the sum of FIFTY CENTS (\$0.50) for
3 each acre-foot.

4 9. That the Water Master, CHAD BLANCHARD, be, and hereby is, directed to
5 continue to maintain as part of the Water Master's fund, a separate bank account known as the
6 "Excess Payment Account" heretofore established pursuant to an order of this Court, only as to the
7 assessments collected from the remaining persons or corporations whose lands are outside the
8 boundaries of the Washoe County Water Conservation District, and who are responsible for
9 THIRTY-FIVE PERCENT (35%) of their apportioned one-third share of the total assessments
10 provided for in this Decree.

11 10. That the Water Master's estimated excess payments account budget for the period
12 from October 1, 2022 to September 30, 2023, submitted by the Water Master as Exhibit "B" of his
13 Petition, is hereby approved.

14 11. That the Water Master's report and audit for the fiscal year ending September 30,
15 2022, filed with the court, is hereby approved as filed.

16 12. That the Water Master is granted authority to continue the additional duties of
17 supplying hydraulic data and assisting in the coordination of the operation of the Prosser Creek and
18 Stampede Reservoirs in the State of California pursuant to a request therefore made by the Bureau
19 of Reclamation of the United States Department of the Interior, his services in that connection to be
20 compensated for at a sum not to exceed ONE HUNDRED SIXTY-SIX THOUSAND DOLLARS
21 (\$166,000.00) per year; that the Prosser Creek and Stampede Reservoirs' operation budget for the
22 period from October 1, 2022 to September 30, 2023, submitted by the Water Master, is hereby
23 approved.

24 13. That all monies collected from the Bureau of Reclamation of the United States
25 Department of the Interior pursuant to this Order shall be deposited by the Water Master in a special
26 fund of the Water Master's Office.

27 14. That the Water Master shall file an annual audit and report for the period ending on
28 September 30, 2023 by a certified public accountant on or before February 15, 2024.

1 15. That the Water Master is ordered to continue the collection of special assessments
2 from the water users on Steamboat Creek or Galena Creek, Washoe Creek or Upper Steamboat
3 Creek, and from the Washoe Lake Reservoir heretofore ordered by the Court from October 1, 2022
4 to September 30, 2023.

5 16. That the Budget submitted by the Water Master, as an Exhibit "D" (Special Fund) to
6 his petition, as the necessary expenses to be incurred by the Water Master in administering the
7 provisions of the Final Decree relating to Steamboat or Galena Creek, Washoe Creek or Upper
8 Steamboat Creek, and the Washoe Lake Reservoir from October 1, 2022 to September 30, 2023 is
9 hereby approved.

10 17. That in order to provide a means for the payment of the additional necessary expenses
11 to be incurred by the Water Master in administering the provisions of the Final Decree relating to
12 Steamboat or Galena Creek, Washoe Creek or Upper Steamboat Creek, and the Washoe Lake
13 Reservoir for the period from October 1, 2022 to September 30, 2023, there are hereby created
14 special assessments in the total sum of TWENTY-FOUR THOUSAND FIVE HUNDRED
15 DOLLARS (\$24,500.00), more or less, as shown in the Special Assessment Roll on the records of
16 the Water Master, to continue the fund heretofore established on July 27, 1962, by an Order of this
17 Court for special administration.

18 18. That the water users named in the Special Assessment Roll on the records of the
19 Water Master, be, and they hereby are, ordered and directed to pay the office of the Water Master
20 the sums of money specified as their share of such special assessments in such Special Assessment
21 Roll on or before April 30, 2023.

22 19. That all monies collected as such Special Assessments, pursuant to this order, shall
23 be deposited by the Water Master in a special fund of the Water Master's office.

24 20. That the Water Master is directed to include in his financial report an audit of the
25 special assessment monies collected and expended by him in the supervision of such stream for said
26 period.

27 21. That the Water Master, CHAD BLANCHARD, be, and hereby is, directed to
28 continue in effect the surety bond in the sum of FIFTY THOUSAND DOLLARS (\$50,000.00)

1 heretofore provided pursuant to his order of appointment for the faithful performance of his duties
2 as custodian of such funds and the property that may be in his care.

3 22. The parties in interest shall notify the Water Master when title to a water right is
4 changed and the Water Master is authorized to not deliver water to any new owner unless written
5 notice is received by the Water Master's Office.

6 23. That the Water Master is directed to create a funded account pursuant to existing
7 Personnel and Benefits Policy to cover the cost of continuing health insurance on qualified
8 personnel, upon their retirement, and that the cost shall be included in the Water Master's Budget
9 each year until such time as the earned benefit is exhausted.

10 24. That each and all of the various assessments and special assessments above stated
11 and apportioned to each water right holder shall constitute a lien against the water righted lands
12 which are affected by this Decree and that the Water Master shall cut off the water from any of the
13 water right holders who do not comply with the requirements that the water right holder pay his/her
14 pro-rata share on or before April 30, 2023 and that the Water Master may collect delinquent
15 payments, including late fees of not less than FIVE DOLLARS (\$5.00), in the manner provided by
16 law.

17 25. That the operation and administration of the Water Master's Office in administering
18 the provisions of the Final Decree for the period from October 1, 2021 to September 30, 2022, is
19 hereby approved.

20 26. That the operation and administration of the Truckee River Operating Agreement for
21 the period from October 1, 2021 to September 30, 2022, is hereby approved.

22 27. That the Water Master shall continue to operate the reservoirs of Boca and Lake
23 Tahoe.

24 28. That the Clerk of this Court give notice of the required payments to be made by each
25 water user by providing a copy of this Order and the Notice annexed hereto to each of the attorney's
26 appearing of record for the Plaintiff and sundry Defendants in this cause within five (5) days of the
27 entry of this Order; the Water Master is further directed to give such notice to the parties hereto and
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1 their successors and assigns by publishing a copy of the Notice annexed hereto in the Reno Gazette-
2 Journal once a week for two (2) successive weeks.

3 29. The Water Master is directed to take such other action as he may deem necessary to
4 properly carry out the provisions of this decree.

5 This Order is made subject to such further orders as the Court may deem proper to make
6 hereafter regarding this Order for the compensation or expenses of the Water Master and his
7 assistants or the payment thereof.

8 DATED this 28th day of February, 2023.

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13 DISTRICT JUDGE
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